

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE:	)	
	)	
A&R CHAVIRA, LLC,	)	Case No. 23-30067-HCM
	)	Chapter 11
Debtor.	)	

**FIRST AMENDED MOTION FOR AUTHORIZATION TO MAINTAIN AND USE  
PREPETITION BANK ACCOUNT AT FIRST LIGHT FEDERAL CREDIT UNION**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

**TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:**

Comes now A&R Chavira, LLC, ("A&R"), through its attorneys of record Miranda & Maldonado, P.C., as Debtor and Debtor-in-Possession in this Chapter 11 proceeding, and files this First Amended Motion for Authorization to Maintain and Use Prepetition Bank Account at First Light Federal Credit Union ("First Light") (the "Motion"). In support of its Motion, A&R would show the Court as follows:

**I. Jurisdiction**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§1334 and 157. This Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. Venue is proper in this Court pursuant to 28 U.S.C. §§1408 and 1409.

**II. Procedural Background**

3. On **January 24, 2023**, A&R filed a Voluntary Petition for Relief under Chapter 11 of the United States Bankruptcy Code (the “Petition Date”). A&R continues to operate its business as a Debtor-In-Possession under §§1107(a) and 1108 of the Code.

### **III. Factual Background**

4. A&R is a Texas limited liability company operating in El Paso and is in the used car sale business.

### **IV. Basis for Relief Requested**

5. As will be reflected in A&R’s Schedule of Assets & Liabilities, Schedule B – Personal Property, it maintained one (1) bank account prepetition at First Light El Paso (“First Light”) which it desires to maintain postpetition. Specifically, A&R wishes to maintain the following bank Account -

a). **Account Ending XXXXX (0008)** which is used as an Operating Account for daily operations and receipt of all payments from its customers.

All operating expenses are paid out of this Account. The only signatory on the account is its principal Mr. Alex Chavira.

(the “Account”). A&R has an additional account at Bank of America but this account is dormant and will be shortly closed within thirty (30) days.

6. It would be beneficial to the Estate to permit A&R to maintain the Account to avoid disrupting its banking process.<sup>1</sup> A&R receives payments from its customers on occasion through electronic fund transfers. A&R also makes payments to its floor-plan financing lenders from the First Light account. If it became necessary to change banks and open

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<sup>1</sup> First Light Federal Credit Union is member of National Credit Union Share Insurance Fund (NCUSIF) member. See <https://www.firstlightfcu.org/about>.

new depository Account, it would be disruptive to its business operations as the change process can be slow, thereby jeopardizing its cash flow.

7. A&R will notify First Light to change the style of the checking account to “**Debtor-in-Possession, Case No. 23-30067**” and will clearly imprint on each negotiable instrument the Case Number and “Debtor-in-Possession” designation.

8. A&R will provide to the Office of the United States Trustee (“UST”) the location and account number of the maintained Account. If required, A&R will provide the UST a reconciliation for its checking Account at First Light including copies of bank statements and lists of outstanding checks with dates, payees and amounts and attach a copy of the monthly bank statements to its Monthly Operating Reports.

WHEREFORE, PREMISES CONSIDERED for the reasons set forth herein, A&R respectfully requests that the Court enter an Order authorizing it to maintain and use the prepetition Account at First Light Federal Credit Union as its sole depository institution and granting it such further relief deemed appropriate by this Court.

Respectfully submitted,

**MIRANDA & MALDONADO, P.C.**

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**Counsel for A&R CHAVIRA, LLC**

**CERTIFICATE OF SERVICE**

I, Carlos A. Miranda, Esq., do hereby certify that on January 27, 2023, a true and correct copy of the First Amended Motion to Authorize the Debtor to Maintain and Use Prepetition Bank Account at First Light Federal Credit Union was served, by electronic mail as provided by this Court's ECF System to the following Parties: Office of the U.S. Trustee, Office of the U.S. Trustee, San Antonio, TX 78295-1539 and the attached Matrix.

/s/ Carlos A. Miranda, Esq.  
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Carlos G. Maldonado, Esq.  
Attorneys for the Debtor

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Centralized Insolvency Office  
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Philadelphia, PA 19101-7346

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Suncoast Funding  
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Miami, FL 33132

Texas Comptroller of Public Accounts  
Revenue Accounting Div - Bankruptcy  
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Austin, TX 78711-3528

Texas Workforce Commission  
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